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Chairman: Mr. Gómez Robledo (Mexico)

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The meeting was called to order at 10 a.m.

Agenda item 100: Measures to eliminate international terrorism (*continued*) (A/60/825 and Corr.1; A/61/37, A/61/178, A/61/210 and Add.1, A/61/280)

1. **Mr. Hannesson** (Iceland) said that the peace, security and prosperity of all were at stake in the fight against terrorism. The world now faced a real threat of catastrophe resulting from the use of weapons of mass destruction by terrorists. Terrorism affected developing countries disproportionately, both because many terrorist acts took place in those countries and because the economic ramifications of terrorist acts in industrialized countries had a knock-on effect in developing countries. The only viable response to such a threat was a collective one involving all States, with the United Nations playing a leading role in bringing them together.

2. The United Nations had already taken many important steps to combat terrorism, including the adoption of the various international instruments on terrorism and, most recently, of the United Nations Global Counter-Terrorism Strategy (A/RES/60/288), which took a balanced approach to the problem by addressing issues such as capacity-building and human rights protection. However, the draft comprehensive convention on international terrorism had still not been concluded, and he urged all Member States to work towards that goal. It was important to define terrorism, and the basis of a definition put forward by the Secretary-General deserved further consideration. The deliberate targeting of civilians was unacceptable. A proper definition would carry clear moral force that would help Governments take action against terrorist organizations.

3. **Mr. Chem** (Cambodia) said that Cambodia condemned terrorism in all its forms and manifestations. In order to combat it effectively in the context of the United Nations Global Counter-Terrorism Strategy, better cooperation was needed at the subregional, regional and global levels, together with a comprehensive approach encompassing measures to tackle the root causes of terrorism.

4. Cambodia was committed to the global fight against terrorism: it had acceded to 12 of the international instruments against terrorism and looked forward to ratifying the remaining ones. Under a law

reforming weapons and explosive ordnance management adopted in April 2005, 200,000 rifles had been destroyed, thus preventing them from falling into the hands of terrorists and smugglers. Furthermore, the National Bank of Cambodia had instructed all financial and banking institutions operating in Cambodia to scrutinize and freeze the assets of individuals and entities included in the Security Council and United States lists of those involved in global terrorism. To date, there had been no evidence of any suspicious activity linking those institutions with the individuals or entities in question. Nonetheless, vigilance was being maintained. The National Bank had also issued orders prohibiting transactions with individuals or entities considered to have committed or supported terrorist acts.

5. Cambodia shared the view of its fellow members of the Association of Southeast Asian Nations (ASEAN) that measures taken to combat terrorism should respect international law, particularly the principles of national sovereignty and the territorial integrity of States. As a member of ASEAN, Cambodia was a party to a number of bilateral, regional and international initiatives to combat terrorism.

6. **Ms. Selasini** (Zambia), reaffirming the Declaration on Measures to Eliminate International Terrorism, the Declaration supplementing it and the provisions relating to terrorism in the 2005 World Summit Outcome, said that Zambia welcomed the recent adoption of the United Nations Global Counter-Terrorism Strategy and looked forward to its speedy implementation. Zambia also welcomed the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism and was making efforts to accede to all the international instruments relating to terrorism.

7. Her delegation hoped that agreement would soon be reached on the draft comprehensive convention on international terrorism. In particular, it was vital to agree on a legal definition of terrorism that would take account of the legitimate struggle of peoples for self-determination, freedom and independence. The Strategy also rightly underscored the need to strengthen national capacity to fight terrorism effectively, especially in developing countries.

8. Zambia supported the proposal to convene a high-level conference under the auspices of the United Nations to formulate a joint international response to

terrorism. Negotiations should be conducted in a spirit of flexibility so as to send a strong message that the world would not tolerate terrorist acts.

9. **Mr. Kariyawasam** (Sri Lanka) welcomed the recent adoption of the United Nations Global Counter-Terrorism Strategy and said that the United Nations was the most appropriate forum in which to tackle the evolving phenomenon of terrorism. Although terrorism was condemned as one of the most serious threats to international peace and security, the divergent political perceptions of different States had overshadowed the debate on the subject.

10. For two decades, Sri Lanka had been the victim of unbridled terrorism that had impeded development and undermined democracy. That very day, more than 90 people had been murdered in an attack by the Liberation Tigers of Tamil Eelam. Terrorism was a cross-border problem which could only be defeated through determined international cooperation. Sri Lanka greatly appreciated the assistance it had received from certain States and regional groups in its efforts to deal with terrorism.

11. Terrorism was often linked to various forms of organized crime. He was therefore pleased to note that the Strategy contained measures to address that problem. Sri Lanka had reaffirmed its commitment to combating terrorism and organized crime by ratifying the United Nations Convention against Transnational Organized Crime in 2006. It had also adopted a special law giving full effect to the International Convention for the Suppression of the Financing of Terrorism, and other laws on money-laundering and the reporting of criminal transactions, implementing the recommendations of the Financial Action Task Force on Money Laundering. Sri Lanka also supported the idea of the direct exchange of financial intelligence between the financial intelligence units of Member States. The Asia/Pacific Group on Money Laundering had recently commended the compliance measures taken by Sri Lanka.

12. Sri Lanka supported the expansion of the sanctions regime to include individuals, groups and institutions other than those designated by the Security Council committees. It encouraged the Security Council to continue considering measures that might be taken against them on the basis of resolution 1566 (2004).

13. Capacity-building was an important element of the Strategy for developing countries, which lacked the necessary resources to fight terrorism effectively. However, the provisions of the Strategy relating to the rule of law, the culture of peace and inter-faith dialogue required further clarification.

14. It was regrettable that agreement on the draft comprehensive convention on international terrorism remained elusive. Negotiations should be continued in a spirit of compromise so as to finalize the text as soon as possible. The draft convention should be an effective law enforcement instrument rather than a political declaration. The main issue was its applicability to various situations that fell into other fields of international law. As the President of Sri Lanka had recently stated in his address to the General Assembly, no effort should be spared to complete the international legal framework for the struggle against terrorism.

15. **Mr. Noman** (Yemen) said that his country pledged its full cooperation in the efforts to settle differences concerning the subject of terrorism and thereby achieve tangible progress in dealing with one of the most complex and serious questions facing the international community. Terrorism was a universal problem that Yemen continued to experience first-hand and was determined to fight at the national, regional and international levels. In that context, it had concluded bilateral and multilateral agreements, enacted legislation that criminalized acts of violence and adopted a series of practical deterrent measures.

16. Alien to Arab societies and rejected by Islam, terrorism stemmed from several causes, including a sense of injustice arising from the lack of international will to resolve such problems as foreign occupation and from the spread of misinformation about certain beliefs, races and ethnic groups. That fuelled anger, resentment and hatred and bred mutual contempt among different cultures and nations, thus destroying trust among peoples, and fomenting extremism and terrorism. His Government continued to advocate the convening of an international conference with a view to defining the phenomenon and distinguishing it from the right of peoples to self-determination and the legitimate struggle for independence. It was equally necessary to identify and address the causes of terrorism, which additionally included poverty, unemployment and shortcomings in education. Dialogue and understanding were fundamental to

countering the challenges posed by extremism and terrorism, in which context Yemen had hosted two symposiums on dialogue among civilizations and participated in international gatherings similarly dedicated to the promotion of such dialogue.

17. He affirmed Yemen's commitment to implementation of the Security Council resolutions relating to counter-terrorism, in accordance with which it had submitted five reports to the Security Council Committee established pursuant to resolution 1373 (2001). Yemen was endeavouring to strengthen its relationship with international counter-terrorism organizations, to which end a special unit had been established in the Ministry of Foreign Affairs to serve as a focal point among those organizations and national institutions that dealt with matters relating to money-laundering, the financing of terrorism and counter-terrorism. Yemen also welcomed the unanimously adopted Global Counter-Terrorism Strategy and had acceded to nine counter-terrorism conventions. A further three such conventions had been referred to the House of Representatives for completion of the constitutional procedures required for their ratification.

18. **Mr. Medrek** (Morocco) said that, since terrorism constituted one of the most serious threats to international peace and security, the United Nations, in particular the General Assembly, was the appropriate forum in which to elaborate a coordinated international response. Action by individual States was inadequate. His delegation therefore welcomed the General Assembly's recent adoption of the United Nations Global Counter-Terrorism Strategy, which should now be duly implemented.

19. Morocco reaffirmed its unequivocal condemnation of terrorism, which was a phenomenon fed by xenophobia, intolerance and fanaticism that could not be linked to a particular country, religion, culture or civilization. All initiatives to promote dialogue between cultures and civilizations should be encouraged. Morocco had acceded to nearly all the international legal instruments on terrorism and had fully endorsed the Security Council resolutions on the subject. He praised the efforts under way to revitalize the work of the Security Council committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004).

20. The lack of agreement on the draft comprehensive convention on international terrorism

meant that the United Nations legal framework for combating terrorism remained incomplete. He urged States to make further efforts to overcome their differences so as to finalize the text as soon as possible. Agreement was within reach, provided that a clear distinction was drawn between the different fields of international law. A solution to the problems posed by article 18 of the draft would undoubtedly facilitate agreement on the other outstanding issues. His delegation hoped that the Working Group of the Sixth Committee would be convened during the current session with a view to finalizing the text.

21. Morocco supported the proposal of Egypt to convene a high-level conference in order to establish a collective international response to terrorism. It also supported Tunisia's call for the elaboration under United Nations auspices of a global and consensual code of conduct against terrorism, and the proposal of Saudi Arabia that an international counter-terrorism centre should be established.

22. **Mr. Alam** (Nepal) said that terrorism seriously threatened international peace and security and hindered social development. Nepal unreservedly condemned terrorism and attached great importance to the work of the United Nations in that regard, including the adoption of various international instruments and the establishment of various bodies and mechanisms. The adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism and the United Nations Global Counter-Terrorism Strategy constituted significant steps forward. Nepal was fully committed to working with other Member States for the implementation of the Strategy and urged the international community to provide adequate financial and technical support for national capacity-building.

23. The 2005 World Summit Outcome (A/RES/60/1) had underlined the need for agreement on a comprehensive convention on international terrorism. However, a lack of consensus on issues relating to the legal definition of terrorism and the application of the draft convention had impeded progress. It was essential to reach agreement on the text at the current session and to incorporate both the legal aspects of international cooperation on counter-terrorism and provisions ensuring respect for international law, human rights and refugee law.

24. The draft convention, once adopted, would complement the existing sectoral conventions on terrorism. Nepal was a party to many of those conventions and had adopted appropriate domestic measures to enforce them. Support should be provided for national capacity-building, particularly in developing countries, with regard to money-laundering laws and their effective implementation. The Government of Nepal had also taken several measures to implement the Security Council resolutions relating to terrorism and General Assembly resolution 60/43, and had provided information on those measures to the relevant committees. In that regard, the Executive Directorate of the Counter-Terrorism Committee should promote the development of domestic counter-terrorism capacity.

25. Work on the legal framework for combating terrorism should be complemented by measures to address the conditions conducive to terrorism, such as poverty, illiteracy, intolerance and violations of human rights. Every effort should be made to resolve disputes peacefully and to preserve democracy and the rule of law, which were essential for peace and stability. He called for continued international cooperation to that end.

26. **Mr. Dolatyar** (Islamic Republic of Iran) said that terrorism was a crime for which there could be no justification; its gravest and most dangerous form was State terrorism and the most lethal form of State terrorism was foreign occupation. He referred to human rights violations in the Palestinian territories, to aggression against Lebanon, and to the sharp increase in the death rate in Iraq since the arrival of the coalition forces. Recent developments in Afghanistan showed that terrorism and extremism could not be eradicated by military force; the struggle against them was a battle for hearts and minds. He therefore welcomed all initiatives in support of a dialogue among civilizations and reaffirmed his country's commitment to the true teachings of Islam, which prohibited the killing of innocent people.

27. His country had joined the consensus on the Global Counter-Terrorism Strategy despite some reservations regarding the text. The Strategy was built on a strong condemnation of all forms of terrorism, including State terrorism, and sent a strong message that the United Nations was acting in the spirit of its Charter to avert the growing threat. He welcomed the acknowledgement in the Strategy that one of the root

causes of terrorism was prolonged unresolved conflicts, the most perilous cases of which arose from foreign occupation. One of the major gaps in United Nations counter-terrorism instruments was the lack of a definition of terrorism; all the provisions adopted in that area were thus susceptible of subjective interpretation and political manipulation by some Member States. Sustained efforts had to be made to achieve an internationally agreed definition of terrorism that would differentiate it from the legitimate struggle of peoples under foreign occupation. The highly political question of who would have the authority to define terrorism underlay the legal debate on its definition, since determination of the public enemy had become an international issue, no longer confined within nation States. Some hegemonic Powers wished to determine the public enemy on a case-by-case basis according to their foreign policy preferences, while other countries were in favour of an objective legal definition; such a definition would increase the coherence of the international coalition against terrorism and limit the discretionary power of the hegemonic States, which for that reason were opposed to it.

28. He endorsed the call for further efforts towards the early development of the necessary comprehensive legal framework for the Strategy, with the continuing involvement of the Ad Hoc Committee and the Working Group of the Sixth Committee. He likewise supported the proposal to convene an international conference in that connection under the auspices of the United Nations. Besides addressing the aforementioned issues, that conference should examine the question of armed forces and the scope of the proposed comprehensive convention, as well as its relationship to other treaties.

29. **Ms. Kaplan** (Israel) said that adoption of the Global Counter-Terrorism Strategy had sent a clear message that terrorism was a global problem that required a global solution. Unfortunately, however, a number of proposals contained in the Secretary-General's report (A/61/210) and discussed in the deliberations had been omitted from the Strategy; she expressed the hope that they, together with other practical measures, would be incorporated into it so as to ensure its effectiveness. A number of other challenges lay ahead, including conclusion of a comprehensive convention, which should advance and not dilute the key principles for the suppression of

terrorism. Israel urged all States to oppose any proposal that could create a pretext for justifying or excusing the deliberate targeting and murder of innocent people. Measures needed to be taken to address the problems of radicalization and incitement to terrorism, while the Counter-Terrorism Committee should broaden its mandate to cover the treatment and rights of victims.

30. Terrorism knew no boundaries; the forces of extremism on which it fed threatened everyone. For terrorists, civilians were not just a target but also a shield, as were democratic institutions; no terrorist could claim legitimacy simply through holding elected office. Israel believed that there was universal support for the principle that the deliberate murder of civilians could never be justified by political or ideological goals. Terrorism was defined by what terrorists did, not by the reasons they invoked for doing it. It had to be combated within the framework of international law; it was not merely a war of the State against its enemies, but also a war of rule of law against those who opposed it. Calls to address its root causes were often an attempt to justify the unjustifiable. In any case, the underlying factors also included incitement, intolerance and the lack of democracy; a culture of hate had thus been spawned that glorified murder as martyrdom. Nor could terrorism be dissociated from other aspects of international crime, such as money-laundering and drug trafficking. Israel had accordingly ratified the International Convention for the Suppression of the Financing of Terrorism and called on other States to do likewise.

31. She stressed the support given to terrorist groups by sympathetic States, which thereby fought wars by proxy and allowed extremists to set the political agenda. Democratic nations should not let the terrorists prove that they could achieve more by illegitimate means than by peaceful negotiation. It was crucial not only to resolve unresolved conflicts but to do so in a way that strengthened the hand of those committed to the rule of law. The choice was between those who built and those who destroyed.

32. **Mr. Ja'afari** (Syrian Arab Republic) said his country condemned terrorism in all of its forms and manifestations, whether perpetrated by individuals, groups or States. There was a moral and legal responsibility to convene an international conference with the aim of defining terrorism and making a distinction between the type of terrorism that was

wholly reprehensible and legitimate national struggles against the type of terrorism known as foreign occupation. The most serious impediment to international counter-terrorism efforts was the attempt by some States to redefine long-agreed values that had led to the establishment of the United Nations, including the principles of equal sovereignty and the right of peoples to self-determination. Scores of countries had been liberated from occupation and colonialism with United Nations support and his country was proud of its long service as Rapporteur of the Special Committee on Decolonization. A minority, however, wished to turn the clock back by pinning the terrorism label on acts of legitimate resistance to foreign occupation in an attempt to erase all memory of the past fight against colonialism. Such practices were a form of intellectual terrorism designed to persuade victims to abandon their rights lest they themselves be branded as terrorists. As it stood, the Palestinian people was exercising its legitimate right to liberate its territory and determine its own fate and the Lebanese resistance against the recent Israeli aggression fell into the same category. Similarly, the Israeli occupation of the Syrian Golan, which had continued along with an accompanying multitude of repressive Israeli practices since 1967, was a systematic form of State terrorism that was recognized as such by the entire international community.

33. His country's support for the international efforts to combat terrorism and address its root causes had prompted it to join the consensus in favour of the United Nations Global Counter-Terrorism Strategy, despite its flaws. Counter-terrorism efforts should not be confined to the use of force, which could simply exacerbate the problem; the world was growing daily less secure, a fact more acutely felt in his region. The loss of innocent lives to recent terrorist activities in his country would, however, have been more serious in the absence of counter-terrorism forces. A collective stand centred on the underlying causes of terrorism was needed to crush attempts to provoke a clash of civilizations and market policies aimed at achieving narrow interests. It was therefore disappointing that some of the draft wording had been removed from the final text of the Strategy, either because it was incompatible with the expansionist policies of a small number of countries or because it required the mobilization of considerable financial resources for development and the eradication of poverty and hunger.

34. Intolerance and narrow-mindedness had undermined the calls for a dialogue of civilizations and the war on terrorism had been hijacked by hardliners to launch an assault on age-old values and principles through the invention of an enemy by the name of Islamic terrorism, although those individuals knew better than anyone that Islam was innocent. Islam could not be used as a cover for their objectives whenever it suited them, however. A form of intellectual terrorism was involved in condoning any ridicule of the Prophet, symbols or values of Islam — or indeed any other religion — on the pretext of protecting individual freedoms. The culprits should be called to account for spreading hatred that would merely spawn more extremism and violence and reverse the progress achieved.

35. It was regrettable that finalization of the draft comprehensive convention on international terrorism had been impeded during the previous session by the lack of political will shown by some parties. The final version must fill all the gaps in the existing conventions on terrorism, in particular the question of a clear definition of terrorism that distinguished the latter from the legitimate struggle against foreign occupation. The acts of military personnel should not be excluded from the scope of the draft convention unless they were legitimized by the principles of the United Nations and international law. In that connection, he drew attention to the proposal of the Organization of the Islamic Conference concerning draft article 18, which was the outcome of painstaking negotiations born of the desire for flexibility in order to ensure adoption of the draft.

36. His country had ratified most of the counter-terrorism conventions and introduced legislation on money-laundering and the financing of terrorism, for instance, in line with its international obligations. It had also acceded to various regional conventions for the suppression of terrorism and would continue its efforts in the context of the Charter of the United Nations and the aforesaid obligations.

37. **Mr. Aliyev** (Azerbaijan), speaking on behalf of the Organization of the Islamic Conference (OIC) Group, unreservedly condemned terrorism and rejected any attempt to link it to any particular religion, race, culture or ethnic group. The OIC Group had joined the consensus on the Global Counter-Terrorism Strategy despite shortcomings in that document. It attached pivotal importance to the full implementation of the

Strategy and to its review by the General Assembly in 2008, particularly because of its focus on the root causes of terrorism. It remained determined to make every effort to reach an agreement on the draft comprehensive convention on international terrorism, including by resolving the issues of a legal definition of terrorism and the distinction between terrorism and the struggle of peoples against foreign occupation. He appealed to all parties to demonstrate the flexibility needed to finalize the draft and, in that connection, called on the Sixth Committee to reconvene its Working Group during the current session. The OIC Group also renewed the call to hold a high-level conference under the auspices of the United Nations to formulate a joint response of the international community to terrorism and supported the initiative to establish an international counter-terrorism centre, as well as the efforts to develop an international counter-terrorism code of conduct within the framework of the United Nations.

38. **Archbishop Migliore** (Observer for the Holy See) said that effective counter-terrorism measures did not conflict with human rights protection, which was indeed the primary objective of any counter-terrorism strategy. Nor must that strategy sacrifice human rights in the name of security. If counter-terrorism measures were implemented selectively, they would corrode the very values that they sought to protect, alienate large swathes of the world population and sap their own moral force. Nothing should be allowed to bolster the cause of terrorism; the terrorists' contempt for human life did not justify a refusal to treat them in accordance with international humanitarian and human rights norms. The projected comprehensive convention on international terrorism should make it clear that no cause could excuse or legitimize the deliberate killing or maiming of civilians. Even exercise of the right to resist unjust authorities and the right to self-determination should not threaten the social fabric and public order.

39. Terrorism was a cultural phenomenon that demanded a cultural response. People had to be convinced that non-violent means existed to remedy grievances; bold political, diplomatic and economic measures had to be taken to counter oppression and marginalization, which facilitated the designs of terrorists. Injustices offered fertile ground for the recruitment of terrorists, but they could never justify acts of terrorism. Moreover, the victims of the

breakdown of order sought by terrorists would be the countless poor people on whose behalf they claimed to be acting. Religions and interreligious dialogue had a fundamental role to play in promoting a culture of peace and mutual respect and encouraging non-violent remedies; States and the family of nations could help in that regard by fostering an environment in which such values could flourish.

Agenda item 153: Requests for observer status in the General Assembly (A/61/232)

40. **The Chairman** announced that the Bureau had appointed Mr. Barriga, Vice-Chairman of the Committee, to coordinate consultations in order to clarify certain procedural aspects of the consideration by the Committee of individual requests for observer status in the General Assembly.

Observer status for the OPEC Fund for International Development in the General Assembly (A/61/141 and A/C.6/61/L.3)

41. **Mr. Al-Anazi** (Saudi Arabia) introduced draft resolution A/C.6/61/L.3 concerning observer status for the OPEC Fund for International Development in the General Assembly and drew attention to the information contained in the explanatory memorandum in annex I to document A/61/141. The Fund stood ready to contribute its experience to the work of the United Nations on an official basis.

42. **Mr. Cairo Palomo** (Cuba) said his Government supported the request for observer status for the OPEC Fund for International Development in the General Assembly because, for more than three decades, the Fund had participated in major international development projects and had regularly cooperated with the United Nations and developing countries.

Observer status for the Indian Ocean Commission in the General Assembly (A/61/487 and A/C.6/61/L.2)

43. **Mr. Soborun** (Mauritius) introduced draft resolution A/C.6/61/L.2 concerning observer status for the Indian Ocean Commission in the General Assembly and drew attention to the information contained in the explanatory memorandum in annex I to document A/61/487. The granting of observer status to the Commission would enhance cooperation between it and the United Nations and would facilitate the

Commission's work as an intergovernmental organization.

Observer status for the Association of Southeast Asian Nations in the General Assembly (A/61/510 and A/C.6/61/L.4)

44. **Mr. Baja** (Philippines) introduced draft resolution A/C.6/61/L.4 concerning observer status for the Association of Southeast Asian Nations in the General Assembly and drew attention to the information contained in the explanatory memorandum in annex I to document A/61/510. He said that, over the previous thirty years, contacts between the functional bodies of the Association of Southeast Asian Nations (ASEAN) and the specialized agencies of the United Nations had gradually expanded.

45. ASEAN was a dynamic, outward-looking organization with a history of close relations with various countries and with regional and international organizations. The area it represented was home to 8 per cent of the world's population. It had a combined gross domestic product of almost US\$ 900 billion and its total volume of trade was worth more than US\$ 1 trillion.

46. The 2005 Kuala Lumpur Declaration on the establishment of the ASEAN charter had set the stage for a historic transformation of ASEAN, enabling the Association to address the growing challenges and opportunities of regional integration and Asia's widening links with the rest of the world. The charter sought to infuse the Association with a renewed sense of purpose, strengthen its institutions, confer legal personality on it and promote the narrowing of the development gap between member States.

47. Participation of ASEAN as an observer in the United Nations General Assembly would further enhance cooperation between the Association and the United Nations and would broaden its interaction with other States Members of the United Nations and of other regional and international organizations in the pursuit of peace, justice and the rule of law.

48. **Ms. Asmady** (Indonesia) said that granting ASEAN observer status in the General Assembly would enhance the relationship between the two organizations. Cooperation between them with a view to promoting the social and economic development of the peoples of the region had been an ongoing process since ASEAN had been established. A closer

relationship would benefit both organizations, since ASEAN was founded on principles consistent with the Charter of the United Nations. Observer status would assist ASEAN in bringing prosperity and security to the peoples of South-East Asia and contribute to the maintenance of peace and the promotion of socio-economic development all over the world. The activities of ASEAN and the United Nations would be complementary and mutually supportive. Furthermore, observer status would offer ASEAN the opportunity to interact with other Member States and regional organizations under the auspices of the United Nations.

49. **Mr. Cheok** (Singapore) said that ASEAN had always supported the objectives of the United Nations. The two organizations had cooperated on a number of transnational issues and ASEAN welcomed efforts to expand that collaboration.

50. ASEAN was evolving and maturing as an organization and was moving towards greater integration. Regional organizations such as ASEAN complemented the work of the United Nations. The time was ripe for ASEAN to have observer status at the United Nations since it could be a strong partner, provide expertise and resources and contribute a unique regional perspective to discussions within the Organization.

51. **Mr. Guan Jian** (China) said that ASEAN had played an important role and been highly successful in promoting economic, social and cultural development. His Government cooperated closely with the member States of ASEAN. Giving ASEAN observer status in the General Assembly would boost cooperation between the Association and the United Nations.

52. **The Chairman** said that the Committee would return to the agenda item, including the requests for the granting of observer status introduced at the current meeting, once the Bureau coordinator had completed his consultations regarding the procedural aspects of the matter.

Agenda item 128: Administration of justice at the United Nations (A/61/205 and Corr.1)

53. **The Chairman** said that the comments of the Secretary-General on the report of the Redesign Panel on the United Nations system of administration of justice (A/61/205) and its financial implications would be issued in March 2007. The Bureau therefore suggested that consultations be held in order to

determine how the Committee should proceed with its consideration of the item in question.

54. **Mr. Adsett** (Canada), speaking also on behalf of Australia and New Zealand and referring to the Redesign Panel's findings in paragraph 5 of its report (A/61/205), said that an internal justice system lacking the confidence of both staff and management had little to commend it.

55. It was in the interest of all States to ensure that the internal justice system of the United Nations enhanced accountability, was based on transparent processes that were fair and timely and commanded the respect of the many dedicated individuals with and without management responsibilities who worked at for United Nations. Once the Secretary-General had responded to the Panel's report, the Fifth and Sixth Committees of the General Assembly should consider the details of the report expeditiously.

56. **Ms. Wilcox** (United States of America) said that, although the Redesign Panel's efforts to suggest ways of reforming the system of administrative justice were welcome and although the proposed changes in that system might be useful, her Government had a number of questions and concerns about the specific proposals contained in the report. It therefore looked forward to more extensive discussions in the Sixth Committee and in the Fifth Committee, since any alterations to the internal justice system deserved careful consideration as it was important that they received widespread support.

57. **Mr. Maqungo** (South Africa), speaking on behalf of the Group of 77 and China, said that the administration of justice at the United Nations influenced the relationship between staff and management and could therefore have an impact on the efficient functioning of the Organization. It was necessary to strengthen the system as an integral part of the reform of human resources management and to achieve higher legal and judicial standards in the Secretariat which were in conformity with the rule of law.

58. The Sixth Committee should be ready to provide the Fifth Committee with any advice on legal matters it might require. He therefore proposed that discussion of the item be postponed until March 2007, to give the Fifth Committee time to consider the subject.

59. **Mr. Kuzmin** (Russian Federation) said that an efficient and fair system for the administration of justice within the United Nations directly affected the effectiveness of the work done by the Secretariat and the Organization as a whole. It was therefore vital to reform that system. The Redesign Panel was to be commended on its report which not only contained a thorough analysis of the subject matter, but also put forward a number of substantive suggestions for reform. A new improved system securing the rights of the personnel and the accountability of management and staff alike was indeed essential. Similarly, it was necessary to consolidate the system of internal justice by doing away with the multiplicity of bodies with often overlapping powers. It was, however, too early for substantive consideration of the report; it would be better to await the General Assembly's resolutions and the comments of the Secretary-General on the experts' proposals. It would likewise be necessary to devise a mechanism for cooperation between the Fifth and Sixth Committees when it came to discussing the report.

60. **Mr. Shah** (Pakistan) said that his delegation had carefully studied the report of the Redesign Panel and found that it made many valuable recommendations. The report made it clear that the current internal justice system was exceedingly slow, with some disciplinary matters taking up to three years, or sometimes even longer, to resolve. It was often said that justice delayed was justice denied. In order to avoid further delay in the delivery of justice, his delegation would recommend that, at the outset, the Sixth Committee should deal with the matter of administration of justice at the United Nations from the legal point of view and make recommendations. The item should then be referred to the Fifth Committee for a final decision.

61. **Mr. Samy** (Egypt) said that his delegation concurred with the view put forward by South Africa on behalf of the Group of 77 and China that there should be coordination between the Fifth and Sixth Committees in examining the item. Egypt looked to the Bureau to enlighten members on how best to accomplish that. His delegation wished to raise several substantive points with regard to the report of the Redesign Panel, but would reserve comment until the procedural issues had been settled.

62. **Mr. Elji** (Syrian Arab Republic) said it was clear that the United Nations internal justice system suffered from some fundamental flaws and was in need of reform in order to make it simpler and more

transparent and just. The current system was detrimental to the morale of staff, particularly Secretariat staff, who felt that they were not enjoying the same rights and privileges as staff of other organizations.

63. His delegation believed that the most efficient way to proceed would be for the Fifth Committee to examine the report of the Redesign Panel from an administrative and financial standpoint and submit its recommendations thereon. The Sixth Committee could then offer legal advice on the matter, but that should occur only after the Fifth Committee had completed its deliberations. Accordingly, his delegation agreed with the proposal put forward by the Group of 77 and China that the Sixth Committee should hold a resumed session in March. Doing so should not entail any additional expense, as the Sixth Committee would not be using all of the resources allocated to it for the present session.

64. **Mr. Fitschen** (Germany) said that his delegation had taken note of the proposal of the Group of 77 and China regarding the procedure for consideration of the item by the Fifth and Sixth Committees. However, he wished to point out that the General Assembly, based on the recommendation of the General Committee, had allocated the item to both Committees without setting any precedence of one over the other. Therefore, it seemed to him that some guidance from the Bureau, possibly after consultations with the Bureau of the Fifth Committee, was indeed called for. Until that had occurred, his delegation would reserve its position on what procedure the two Committees should follow.

65. **The Chairman** reiterated that he had appointed Mr. Onisii (Romania), Vice-Chairman of the Sixth Committee, to undertake consultations with a view to determining the best course of action. The Committee would resume its discussion of the item at a later date in the light of the outcome of those consultations.

Agenda item 79: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(A/61/33, A/61/153 and A/61/304)

66. **Mr. Sevilla Somoza** (Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization), introducing the report on the work of the Special Committee during its 2006 session (A/61/33), noted

that the Special Committee had met in New York from 3 to 13 April 2006 to continue its deliberations on the questions mandated by General Assembly resolution 60/23. He drew attention in particular to chapter III, relating to the maintenance of international peace and security. Pursuant to the request of the General Assembly, the Special Committee had considered on a priority basis the question of the implementation of the Charter provisions related to assistance to third States affected by the application of sanctions (paras. 16-21). The rest of the chapter dealt with the Special Committee's consideration of a number of documents submitted at earlier sessions: the working paper submitted by the Russian Federation entitled "Declaration on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures"; the revised working paper submitted by the Libyan Arab Jamahiriya on the strengthening of certain principles concerning the impact and application of sanctions; the Russian Federation's working paper entitled "Fundamentals of the legal basis for United Nations peacekeeping operations in the context of Chapter VI of the Charter of the United Nations"; the working papers submitted by Cuba at the 1997 and 1998 sessions entitled "Strengthening of the role of the Organization and enhancing its effectiveness"; the revised proposal by the Libyan Arab Jamahiriya concerning the role of the United Nations in the maintenance of international peace and security; and the revised working paper submitted by Belarus and the Russian Federation concerning a request for an advisory opinion from the International Court of Justice.

67. Chapter IV concerned the peaceful settlement of disputes. Under that item, the Special Committee had considered a draft resolution entitled "Commemoration of the sixtieth anniversary of the International Court of Justice", submitted by Egypt, which had been adopted with some amendments. The Special Committee was presenting that draft resolution for adoption by the General Assembly.

68. Chapter V summarized the comments made in the general exchange of views regarding paragraph 176 of the 2005 World Summit Outcome (A/RES/60/1) concerning the deletion of Chapter XIII of the Charter. The discussions on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* were summarized in chapter VI.

69. Lastly, chapter VII addressed the question of improving the working methods of the Special Committee, which remained a priority for the General Assembly. The Committee had continued its consideration of a further revised working paper on that topic submitted by Japan and co-sponsors Australia, the Republic of Korea, Thailand and Uganda. The Committee had adopted the working paper.

70. Mr. Mikulka (Secretary of the Committee), speaking as the Director of the Codification Division and introducing document A/61/153, summarized the results achieved in the previous twelve months with regard to the *Repertory of Practice of United Nations Organs*. During 2006, volume I of Supplement No. 8 (1989-1994) and volume I of Supplement No. 9 (1995-1999) had been completed and made available on the Internet and were being submitted for publication and translation. Advance versions of several studies on individual Articles of the Charter had also been finalized and placed on the Internet. Those studies pertained to volume II, Supplements Nos. 7, 8 and 9; and volume V, Supplements Nos. 8 and 9. Various other studies on individual Articles under those volumes, as well as under volumes IV and VI, Supplements Nos. 8 and 9, were currently in preparation or under review. No progress had been made on the three volumes designated as volume III, Supplements Nos. 7, 8 and 9 (1985-1999). Volumes II and III of Supplement No. 6 (1979-1984) and volume VI of Supplement No. 7 (1985-1988), which had been available on the Internet for some time, had been issued in hard copy in English.

71. Studies from 31 complete volumes, together with studies on individual Articles of the Charter from 10 volumes not yet complete, were accessible on the United Nations website for the *Repertory*. The Secretariat would continue to make all three language versions of finalized *Repertory* studies available electronically as early as possible. The report of the Secretary-General (A/61/153) contained additional information concerning publication of volumes in language versions and funding.

72. With regard to cooperation with academic institutions, after the elimination of the backlog on volume I, the cooperation with such institutions had been reoriented towards other volumes, particularly volumes II, IV and V. In addition to the well-established collaboration with Columbia University,

active cooperation had been set up with the University of Geneva and the Graduate Institute for International Studies of Geneva, as well as the Universities of Paris X-Nanterre and Paris I-Sorbonne. Possible modalities for cooperation with other academic institutions were currently being examined. The spectrum of the participants involved was culturally and geographically diverse, since the aforementioned institutions hosted students from various countries, including developing countries.

73. Externs and interns had assisted in research for the preparation of *Repertory* studies during 2006. While their contribution had proved useful, and while further involvement of academic institutions was envisaged as a way of advancing the preparation of draft studies, contributions to the trust fund established by the General Assembly under resolution A/RES/60/23 would enable the Secretariat to accelerate work on the *Repertory* in a more sustained manner. No contributions to the trust fund had been received thus far.

74. **Mr. Christofides** (Security Council Practices and Charter Research Branch, Department of Political Affairs) updated the Committee on the status of the *Repertoire of the Practice of the Security Council*. The Secretariat continued to implement the two-track approach endorsed by the General Assembly in its resolution 60/23. That approach had allowed it to focus on contemporary Council practice in which Member States had indicated the most interest, while simultaneously ensuring progress in the preparation of the Supplements covering the Council's practice during the previous decade. The Secretariat was concurrently working on four Supplements to the *Repertoire*. The twelfth Supplement, covering the period 1993-1995, was scheduled to be sent to the editors by the end of 2006, as were the procedural chapters of the Millennium Supplement, covering the period 2000-2003. Work on the thirteenth Supplement, covering the period 1996-1999, and the fifteenth Supplement, covering the period 2004-2005, would pick up pace once the twelfth Supplement had been completed.

75. The Secretariat remained committed to making the completed sections of the *Repertoire* available quickly. It had continued posting advance versions of individual chapters from the various supplements in progress on the *Repertoire* website. In a further effort to broaden accessibility, the tenth Supplement to the

Repertoire, the first to be published in all six official languages, had been made available on the website during 2006.

76. Contributions to the trust fund for the updating of the *Repertoire* had been important in sustaining progress in the preparation of the publication. The Secretariat was grateful to those Member States, including some members of the Security Council, that had made contributions. As indicated in the Secretary-General's report, in the past year the Fund had received contributions from Japan, Nigeria, Qatar, the Republic of Korea, the Russian Federation, Turkey and the United Kingdom. In addition, the Governments of Germany and Italy had continued their sponsorship of associate experts for a second year. Nevertheless, the Secretariat was concerned that in the absence of new pledges, the trust fund could be depleted within a few months, compromising the Secretariat's capacity to retain temporary staff working on the various Supplements. He therefore appealed to Member States to contribute generously to the trust fund or to provide support in the form of sponsorship of an associate expert position in the Secretariat.

77. **The Chairman** noted that a number of delegations had suggested that the Sixth Committee should adopt the General Assembly practice of giving precedence on the list of speakers to representatives speaking on behalf of regional groups, provided they had inscribed their names on the list prior to the start of the debate. Unless he heard any objection, he would take it that the Committee wished to adopt that practice, commencing with the discussion of the present agenda item.

78. *It was so decided.*

The meeting rose at 1 p.m.